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United States of America

7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 CARLOS EFRAIN PEREZ

13 Defendant.
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CASE NO. 1:21-CR-00179-JLT-SKO

STIPULATION TO CONTINUE

16 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
17 through defendant's counsel of record, hereby stipulate as follows:

- 18 1. By previous order, this matter was set for a status conference regarding the mental competency of
19 the defendant on November 18, 2022.
- 20 2. On July 25, 2022, the court forwarded to the parties a letter from Warden Boncher of The Federal
21 Medical Center, Devens indicating that the study on Defendant is expected to be completed on
22 November 4, 2022, and that Defendant will then be transported back to the Eastern District of
23 California and the court will receive a final copy of the forensic evaluation within four weeks of
24 that date.
- 25 3. On November 14, 2022, the government received an email indicating that defendant's evaluation
26 was scheduled to be completed by November 18, 2022.
- 27 4. Based on all the above, the parties seek to continue the status conference regarding the mental
28 competency of the defendant until December 2, 2022, or the soonest available date thereafter.

5. The parties agree and stipulate, and request that the Court find the following:

- a) The ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
- b) Having found by a preponderance of the evidence that the defendant is presently incompetent to stand trial, the Court ordered the defendant committed to the custody of the Attorney General for a period of four months for treatment in a suitable facility, pursuant to 18 U.S.C. § 4241(d).
- c) The defendant's mental health status has not been resolved and the parties cannot proceed to trial on the case until defendant's mental health status is resolved.
- d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 18, 2022 to December 2, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(4), for "delay resulting from the fact that the defendant is mentally incompetent . . . to stand trial" and because good cause exists for the continuance of a status conference, and time should be further excluded as the ends of justice outweigh the interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 16, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

1 Dated: November 16, 2022

/s/ DOUGLAS BEEVERS
Attorney for Defendant
CARLOS EFRAIN PEREZ

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4 **PROPOSED ORDER**

5 IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **November 16, 2022**


UNITED STATES DISTRICT JUDGE

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